



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	07/801,749	FILING DATE	12/03/91	FIRST NAMED INVENTOR	BEIGEL	ATTORNEY DOCKET NO.	M 9109
---------------	------------	-------------	----------	----------------------	--------	---------------------	--------

SWANN EXAMINER

ROBERT E. MALM
16624 PEQUENO PLACE
PACIFIC PALISADES, CA 90272

ART UNIT	2608	PAPER NUMBER
----------	------	--------------

5
10/15/92

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 8-17-92 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.	2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.
3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.	4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152.
5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.	6. <input type="checkbox"/> _____

Part II SUMMARY OF ACTION

1. Claims 2, 4-19 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims 1, 3 have been cancelled.
3. Claims 2 are allowed.
4. Claims 4-19 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on 8-17-92. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).
12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

Art Unit 2608

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 4, 6, 10-11, 13-16, & 19 are rejected under 35 U.S.C. § 102(a) as being anticipated by Hogen Esch et al. Applicant argues that the disclosure of Hogen Esch et al. is insufficient with respect to "a means for receiving data to be substituted for said alterable data by said altering means," "a means for receiving data from a user," and "a means for communicating said user data." However, examiner maintains that the disclosure relative to element 26 is sufficient with regard to the first of these and the disclosure with regard to elements 35, 1, 2 and 25 is sufficient with regard to the second and third of these. As is evident from applicant's remarks, many variations are known in the art and none is specified by the claims, nor is any specified by Hogen Esch et al. Hogen Esch et al. suggests such devices in the context claimed and the details would have been obvious to one ordinary skill in the art at the time of the invention. What must be addressed is the language of the claims and the claims do not specify any particular elements. Applicant again argues direct connection

Art Unit 2608

between the programming circuitry and receiving data means, but again there is no such limitation in the claim language.

3. Claims 5, 7-9, & 17-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Hogen Esch et al. in view of Anders et al. In view of the fact that Hogen Esch et al. employs permanent and temporary memories, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the types of memory disclosed by Anders et al. for use in a similar device. Note especially column 11, lines 25-52 and column 14, lines 39-44. Applicant has directed arguments to the source of the data involved in these claims, but there is no such language recited by the claims.

4. Claim 12 is rejected under 35 U.S.C. § 103 as being unpatentable over Hogen Esch et al. in view of Anders et al. as applied to claims 5, 7-9, & 17-18 above, and further in view of Carroll. In view of the disclosure of Carroll to use a balanced drive for a communication coil (20/22 of Fig. 2), it would have been obvious to one of ordinary skill in the art at the time of the invention to use a balanced drive for the coil 2 of Hogen Esch et al.

Art Unit 2608

since this was a common technique, and such balanced drives are connected as recited in claim 12.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Art Unit 2608

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glen Swann whose telephone number is (703) 305-4384.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

A Group 2600 Fax FOR FILING GROUP 2600 PAPERS ONLY is available at (703) 305-9508.



GLEN SWANN
PRIMARY EXAMINER
GROUP 2600

SWANN:grs
13 October 1992